



Docket No.: 025122.0101N3US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael W. Graham et al.

Application No.: 10/759,841

Confirmation No.: 8757

Filed: January 15, 2004

Art Unit: 1635

For: CONTROL OF A GENE EXPRESSION

Examiner: B. A. Whiteman

INFORMATION DISCLOSURE STATEMENT (IDS)

Customer Service Window, MS Amendment
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR §1.97(c)).

In accordance with 37 CFR §1.98(a)(2)(ii), Applicants have not submitted copies of U.S. patents and U.S. patent applications. Applicants submit copies of foreign patent documents and non-patent literature in accordance with 37 CFR §1.98(a)(ii). One or more references listed on the SB/08 were cited by or previously submitted to the Office in the Reexamination of U.S. Patent No. 6,573,099 (Reexamination Serial No. 90/007,247), and co-pending U.S. Application No. 10/346853, to which the present application relies upon for an earlier filing date under 35 U.S.C. §120. Thus,

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Applicants have not attached copies of such previously submitted references pursuant to 37 CFR §1.98(d).

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR §1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2228, under Order No. 025122.0101N3US. A duplicate copy of this paper is enclosed.

Dated: October 25, 2007

Respectfully submitted,

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